



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GT BIOPHARMA, INC.,

Plaintiff,

-v-

EMPERY ASSET MASTER LTD., EMPERY
TAX EFFICIENT, L.P., EMPERY TAX
EFFICIENT II, L.P., ALTO OPPORTUNITY
MASTER FUND, SPC – SEGREGATED
MASTER PORTFOLIO B; and DOES 1 through
100, inclusive.

X

: Case No. 18-cv-06910 (GBD)

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NOTICE OF
VOLUNTARY DISCONTINUANCE
PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff GT Biopharma, Inc. ("Plaintiff"), by its attorneys, Eisner, A.P.C. hereby gives notice that the above-captioned action is voluntarily dismissed, without prejudice against Defendants Empery Asset Master Ltd., Empery Tax Efficient, L.P., Empery Tax Efficient II, L.P., Alto Opportunity Master Fund, SPC – Segregated Master Portfolio B, and Does 1 through 100 (collectively "Defendants").

Dated: October 3, 2018
New York, New York

EISNER, A.P.C.

By: /s/ Simon Miller
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SO ORDERED.

George B. Daniel
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D. OCT 09 2018